

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS BELTON,

Defendant.

No. CR 14-0030 PJH

**ORDER GRANTING MOTION
TO WITHDRAW AS COUNSEL;
ORDER EXCLUDING TIME UNDER
THE SPEEDY TRIAL ACT**

On July 30, 2014, the court heard attorney Vaughns's motion to withdraw as counsel for defendant Marcus Belton, and conducted a colloquy with defendant and Mr. Vaughns about the basis for withdrawal. For good cause shown, the motion to withdraw as counsel is GRANTED. Although defendant has persisted in filing motions in pro per, he has made it clear that he does not want to represent himself at any stage of the proceedings. Specifically, he has rejected the court's offer to permit him to represent himself for purposes of pretrial motions only. Therefore, the court will appoint new counsel for defendant, and the matter is continued to August 13, 2014 for identification of counsel before the magistrate judge and then a status hearing on this court's calendar.


Because defendant will be represented by an attorney, the three motions at docket numbers 48, 49 and 56 that defendant filed in pro per are TERMINATED, as stated on the record. The record reflects that, at defendant's request, the four motions at docket numbers 13, 43, 44 and 45 that were previously filed by defendant's two former attorneys were also terminated. In light of defendant's decision not to represent himself, only his

1 attorney may file motions in the future. The court will no longer indulge defendant's
2 behavior that has resulted in the wasted resources reflected by the time spent by the
3 defense and government attorneys in filing motions on the same subject as defendant's
4 own motions and opposing defendant's pro per motions. Accordingly, IT IS HEREBY
5 ORDERED that defendant may not file motions in pro per. If defendant files any motion in
6 contravention of this order, it will be STRICKEN; the government shall not respond to any
7 such motions.

8 For the reasons stated by the court on the record on July 30, 2014, IT IS FURTHER
9 ORDERED that time is excluded from computation under the Speedy Trial Act from July
10 30, 2014 to August 13, 2014, because failure to grant a continuance would unreasonably
11 deny defendant continuity of counsel. The ends of justice served by the continuance
12 outweigh the best interest of the public and the defendant in a speedy trial because it is
13 necessary for new counsel to be appointed to represent defendant. See 18 U.S.C.
14 § 3161(h)(7)(A) and (B)(iv).

15 **IT IS SO ORDERED.**

16
17 Dated: July 30, 2014



PHYLLIS J. HAMILTON
United States District Judge